

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 27.65 of the Lincoln Municipal Code relating
2 to Community Unit Plans by amending Section 27.65.020 to provide for a dwelling unit bonus if a
3 community unit plan will substantially protect floodplain or floodprone areas; amending Section
4 27.65.070 to change a reference to the new chapters regulating development in the floodplain or
5 floodprone areas; and repealing Sections 27.65.020 and 27.65.070 of the Lincoln Municipal Code
6 as hitherto existing.

7 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

8 Section 1. That Section 27.65.020 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **27.65.020 General Requirements.**

11 The owner or owners of any tract of land in the R-1, R-2, R-3, R-4, R-5, or R-6 zoning
12 district which is one acre or more in area; in the AG zoning district which is seventy-five acres or
13 more in area; or in the AGR zoning district which is ten acres or more in area, including and up to
14 the centerline of existing public rights-of-way abutting the tract of land may submit to the City
15 Council a plan for the use and development thereof for residential purposes or for the repair and
16 alteration of any existing residential development; provided, however, that the City Council shall
17 apply the standards contained in this chapter and in Chapter 27.63 in considering all applications for
18 community unit plans.

19 (a) A community unit plan may be permitted on a tract of land which is less than ten
20 acres but more than five acres in area. The maximum permitted density on such a tract shall be

1 calculated as provided in Section 27.65.080, and this maximum will be reduced by ten percent to
2 accommodate the small size of the tract.

3 (b) A community unit plan may be permitted on a tract of land which is not more than
4 five acres but more than one acre in area. The maximum permitted density shall be calculated as
5 provided in Section 27.65.080, and this maximum will be reduced by twenty percent to
6 accommodate the small size of the tract.

7 (c) A community unit plan may be permitted on a tract of land which is less than ten
8 acres but more than one acre in area where such tract is bounded on at least two sides by one or more
9 existing community unit plans. The maximum density of such a tract shall be calculated as in
10 Section 27.65.080.

11 (d) A community unit plan may be permitted on a tract of land which is ten or more acres
12 in area. The maximum permitted density of such a tract shall be calculated as in Section 27.65.080.

13 (e) Notwithstanding the provisions of (a) through (d) above, where permitted in the AG
14 Agriculture District, any community unit plan shall contain a minimum area of seventy-five acres,
15 and in the AGR Agricultural Residential District, a minimum area of ten acres.

16 (f) A community unit plan which complies with the energy conservation standards
17 adopted by the City Council and on file with the City Clerk may receive a dwelling unit bonus in
18 accordance with the standards adopted by resolution of the City Council.

19 (g) Additional dwelling units may be granted by the City Council for each dwelling unit
20 subsidized by the state or federal government for low-income families or as a dwelling unit bonus
21 for the provision of barrier-free units; however, the number of additional dwelling units shall not ex-
22 ceed those provided in the standards adopted by resolution of the City Council.

1 (h) A community unit plan located in the AG or AGR zoning districts which will
2 substantially protect an open space area as designated on the future land use plans included in the
3 Lincoln City-Lancaster County Comprehensive Plan may receive a dwelling unit bonus provided
4 that:

5 (1) The request for a dwelling unit bonus shall be accompanied by a showing of
6 the need for protection of the open space, a description of the proposed use of the open space and
7 any limitations there on, and the proposed method of protecting the open space which may include,
8 but is not necessarily limited to, protective covenants, conservation or preservation easements, or
9 similar restrictions of record.

10 (2) The proposed method of protecting the open space shall expressly (i) prohibit
11 the construction or installation of any structures or other improvements in the open space for a period
12 of 99 years, except minimal above ground structures or improvements reasonably necessary and
13 incidental to the proposed use of the open space; and (ii) prohibit such uses as shooting ranges,
14 basketball courts, baseball fields, football and soccer fields, racetracks, or other stadium uses,
15 facilities for spectator sports, and any activities that would unreasonably disturb the residents of the
16 community unit plan or the surrounding neighborhoods.

17 (3) The open space shall be accessible to, and available for use by, the residents
18 of the community unit plan;

19 For the purposes of this subsection, "open space" shall mean land or water which is
20 undeveloped or which is set aside for public or private outdoor recreational uses, such as parks, trail
21 systems, golf courses, or bodies of water for swimming, fishing, or boating.

1 (i) A community unit plan located in the AG or AGR zoning district which will protect
2 natural environmentally sensitive areas, whether or not shown in the Lincoln City-Lancaster County
3 Comprehensive Plan, may receive a dwelling unit bonus provided that:

4 (1) The request for dwelling unit bonus shall be accompanied by a showing of the
5 need for the protection of the natural environmentally sensitive area including documents supporting
6 the quality or value of the area to the community or ecosystem, the use proposed for the area and any
7 limitations thereon, and the proposed method of protecting the area which may include, but is not
8 necessarily limited to, protective covenants, conservation or preservation easements, or other
9 restrictions of record which insure that such areas shall remain undeveloped and preserved and which
10 expressly prohibit any structures or other improvements or change in use of the area for a period of
11 at least 99 years; and

12 (2) The density bonus, if granted, will not cause any degradation of the natural
13 environmentally sensitive area. Appropriate buffers shall be provided to insure that such degradation
14 does not occur; and

15 (3) The natural environmentally sensitive area shall be accessible to residents of
16 the community unit plan, and may also be accessible to the public, for very low passive recreation
17 uses. Only those improvements specifically related to the use and enjoyment of such natural
18 environmentally sensitive area, such as walkways and trails, which have been shown by the applicant
19 to have no detrimental effect on said area shall be permitted.

20 For purposes of this subsection, "natural environmentally sensitive areas" shall mean areas
21 such as wetlands, bodies of water, native prairie, woodlands, floodplains, or other wildlife habitats,
22 or greenway corridors which are of substantial quality or value to the community and the ecosystem

1 and which may include such natural buffers as are necessary and of sufficient quality to protect the
2 integrity of the natural environmentally sensitive area.

3 In addition, natural environmentally sensitive areas may also include degraded natural areas
4 that the applicant proposes to fully restore provided that:

5 (1) The applicant shows that there is a high likelihood for successful restoration
6 of such area;

7 (2) The applicant demonstrates that he or she will dedicate sufficient resources
8 to fully restore and maintain such area; and

9 (3) The applicant will commence restoration of such area no later than the time
10 at which the construction of those dwelling units which require the dwelling unit bonus commences.

11 (j) A community unit plan in the AG zoning district where cultivated land and pasture
12 land is preserved for agricultural use and no new public roads are created may receive a dwelling unit
13 bonus provided that such land shall remain undeveloped and preserved and that protective covenants,
14 conservation or preservation easements, or other similar restrictions of record are in place to
15 expressly prohibit any change in use for a period of at least 99 years.

16 (k) A community unit plan located in the R-1, R-2, R-3, R-4, R-5, R-6, AG or AGR
17 zoning districts which will substantially protect floodplain or floodprone areas may receive a
18 dwelling unit bonus if a permanent conservation easement or permanent deed restriction is dedicated
19 to preserve the floodplain or floodprone area. The bonus allotment will be proportionally equal to
20 the amount of floodplain preserved on the site and the size of the lot as in conformance with the
21 design standards.

22 ~~(k)~~(l) The dwelling unit bonuses permitted under this section shall not exceed a total of
23 twenty percent in any community unit plan.

1 Section 2. That Section 27.65.070 of the Lincoln Municipal Code be amended to read
2 as follows:

3 **27.65.070 Form of Community Unit Plan.**

4 A plot plan shall be accurately, clearly, and legibly drawn on tracing cloth or mylar in a
5 sufficient size and scale to show the details of the plan clearly and shall contain the following
6 information:

7 (a) A surveyor's certificate certifying to the accuracy of the boundary survey shown
8 thereon, and a certificate for showing the Planning Commission's approval or disapproval, and a
9 certificate for the City Clerk to show the approval or disapproval by City Council, including the date
10 and resolution number;

11 (b) Date prepared, north point, scale of plot plan, and location of section lines and section
12 corners;

13 (c) Contour lines at intervals not to exceed five feet based on NAVD 1988. Spot
14 elevations on a 100-foot grid shall be required to fully indicate the topography on flat land;

15 (d) Locations, name, tangent lengths, centerline radius of each curve and its interior angle
16 and width of all proposed and existing streets, highways, private roadways, and other public ways
17 within and adjacent to the development;

18 (e) Locations and widths of all existing and proposed easements for drainage, sewers,
19 and other public utilities and, if appropriate, access easements;

20 (f) Location, width, and direction of flow of all watercourses in and adjacent to the
21 community unit plan, including the limits of the floodplain and floodway as defined in Chapters
22 ~~27.55~~ 27.52 and 27.53;

(g) The location and size of all existing and proposed sanitary and storm sewers, culverts, water mains, fire hydrants, and existing power lines and other underground structures or cables within the tract of land and adjacent streets;

(h) All lot lines, building setback lines for all lots, dimensions of all lot lines and building envelope lines. Chord distances shall be shown for lot lines abutting curvilinear streets;

(i) Lot numbers shall begin with the number (1) and shall continue consecutively through a block with no omission or duplication. Blocks shall be numbered in the same manner. Letters shall be used to designate outlots in alphabetical order;

(j) Proposed areas for parks and playgrounds. Any parcels other than streets which are to be dedicated or reserved for public use shall be clearly shown and said parcels shall be designated as outlots and assigned an alphabetical designation;

(k) The location of all proposed and existing sidewalks, walkways, and other pedestrian ways;

(l) Location, height, and use of proposed and existing buildings with an indication as to whether an existing building is to be removed or to remain, and signs, if any, in accordance with the provisions of Chapter 27.69;

(m) A certified accurate boundary survey showing sufficient linear, angular, and curve data to determine the bearing and length of all boundary lines of the community unit plan. Where the tract of land abuts on an existing plat, the distances, angles, and bearing of any common lines shall be shown and any differences in measurement noted. The total calculated acres within the boundaries of the community unit plan shall be shown;

(n) The following data shall be shown on each sheet of the community unit plan:

(1) The name of the community unit plan;

(2) The name, address, and telephone number of the person or company responsible for preparation of the community unit plan;

(3) North arrow, scale, date;

(4) Sheet number and the total number of sheets comprising the community unit plan.

(o) Accompanying the community unit plan, the following information shall be submitted to the Planning Department with the number of copies requested by the Planning Director:

(1) Name, address, and telephone number of developer;

(2) Certified record owner or owners and their address;

(3) Legal description of the proposed community unit plan, including the number of acres;

(4) Statement of present zoning and proposed use or uses of the property;

(5) Profiles along the centerline of the proposed streets and private roadways which show the existing ground surface elevations and the proposed street grades including the length of vertical curves between changes in grade with the profiles for stub streets ending at the boundary of the community unit plan to be extended 300 feet beyond the limits of the community unit plan into subdivided and unsubdivided land;

(6) The proposed method of providing sanitary sewer service to the area;

(i) If a public wastewater works or community wastewater works is established, the size and location of all proposed sanitary sewers, the proposed manhole locations, any necessary extension to the existing public system or to the proposed community wastewater works, and the location of the proposed community wastewater works;

1 (ii) If the use of an on-site wastewater treatment system is permitted,
2 pursuant to Section 26.27.040 of the Lincoln Municipal Code, plans for the proposed disposal system
3 and its location on each lot must be shown. If a septic tank system is proposed, soil and percolation
4 data and plans which show the location of one main subsurface disposal field for each lot which is
5 proposed to be served by a septic tank system shall be shown.

6 (7) The proposed method of providing an adequate potable water supply;

7 (i) If a public, or community water system, or rural water district is used,
8 the location and size of all proposed water mains, the proposed hydrant locations, and any necessary
9 extension of the proposed system to existing water mains or to a proposed community well, the loca-
10 tion of the proposed community well, and the type of water treatment to be used;

11 (ii) If a community water system other than a rural water district is
12 proposed, data on the quantity and quality of the water shall be obtained from a test well within the
13 immediate vicinity of the proposed water supply well. If an individual water well system for each
14 lot is proposed, data on the quantity and quality of the water shall be obtained from test wells which
15 shall be drilled on the ratio of one to each ten acres on a grid system. The results of these preliminary
16 tests shall in no way be construed to guarantee the quantity or quality of water to individual lots in
17 the proposed community unit plan and the data obtained from these tests shall not be used to imply
18 that an adequate quantity or acceptable quality of water is available in the proposed community unit
19 plan.

20 (8) A drainage study prepared in accordance with the current storm sewer design
21 standards of the city on file with the City Clerk. The following items must be included in the
22 drainage study:

1 (i) A map showing the drainage area and resulting runoff from any land
2 lying outside the limits of the community unit plan which discharges storm water runoff into or
3 through the community unit plan;

4 (ii) A map showing all internal drainage areas and resulting runoff;

5 (iii) Proposals as to how the computed quantities of runoff will be handled;

6 (iv) A copy of the drainage computations.

7 (9) A map or an aerial photograph showing the proposed streets, private
8 roadways, driveways, parking areas, buildings and lots which includes the location, and identifies,
9 by common name, all existing trees within the area of the community unit plan. Single trees which
10 are three inches in caliper or larger measured five feet above the ground must be shown. However,
11 if five or more trees are located so that each is within approximately ten feet of the edge of another
12 tree, they will be considered a tree mass and the outline of the tree mass may be shown with a list
13 of the common names of the trees which are within the tree mass. If the above-stated procedure is
14 followed, the individual location of each tree within the tree mass is not necessary. An indication
15 shall be made on the map showing which trees or tree masses are to remain and which trees or tree
16 masses are to be removed;

17 (10) A vicinity sketch showing the general location of the community unit plan in
18 relation to existing streets, section lines, and city limits;

19 (11) Site grading plan showing existing and proposed contour lines with intervals
20 at no greater distance than five feet, and if necessary, spot elevations showing complete proposed
21 grading of the community unit plan. Also, cross-sections may be required showing existing and pro-
22 posed ground lines and buildings. Information as to where fill will be obtained and the amount of
23 the fill shall be included if all or part of the property is located within the ~~flood plain~~ floodplain as

defined in Chapters ~~27.55~~ 27.52 and 27.53. If the proposed location from which said fill is obtained is later to be changed, the developer shall inform the Public Works and Utilities Department of the location of the proposed new borrow area and obtain approval thereof from the Director of Public Works and Utilities;

(12) All deviations from the provisions of this chapter shall be fully set forth and reasons given for said deviations;

(13) In the event that said real property is located within a floodplain, the developer shall comply with all requirements pertaining to floodplains contained in the Lincoln Municipal Code and applicable state statutes.

Section 3. That Sections 27.65.020 and 27.65.070 of the Lincoln Municipal Code as hitherto existing be and the same are hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after its passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor